

Message Text

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CINCPAC FOR POLAD

E.O. 11652: N/A

TAGS: PFOR, CW, XP, NZ, US

SUBJECT: DISPUTED CLAIMS TO TOKELAU ISLANDS AND NORTHERN
COOKS

REF: WELLINGTON 588 (NOTAL)

1. THE UNITED STATES AND NEW ZEALAND HAVE DISPUTED CLAIMS
OF SOVEREIGNTY TO SEVEN PACIFIC ISLANDS. IN THE TOKELAU
(UNION) GROUP, THE US CLAIMS ATAFU, NUKUNONO, AND FAKAOFU;
IN THE NORTHERN COOK ISLANDS, THE US CLAIMS DANGER,
RAKAHANGA, MANIHIKI, AND PENHRYN.

2. US CLAIMS TO THESE ISLANDS ARE BASED ON HISTORICAL
INTERESTS AND ACTIVITIES IN THEM COMPRISING SUCH ELEMENTS
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AS THE FOLLOWING: DISCOVERY; VISITS BY AMERICAN WHALERS

IN THE PERIOD 1800-1850; EXPLORATION AND MAPPING BY AMERICAN VESSELS IN THE 19TH CENTURY; SYMBOLIC ACTS OF POSSESSION BY THE COMMANDERS OF SUCH VESSELS; AND THE EXPLORATION BY AMERICAN CITIZENS OF GUANO DEPOSITS.

3. AFTER 1880, THE US DID NOT FURTHER ADVANCE ITS CLAIMS TO THE ISLANDS AND DID NOT CONTEST THE ASSERTIONS OF BRITISH SOVEREIGNTY AND JURISDICTION OVER THEM IN THE PERIOD 1888-1892. IN THE ENSUING 40 YEARS, THE ISLANDS

WERE INCLUDED IN THE COLONIAL ADMINISTRATIONS OF THE UK AND, LATER, NEW ZEALAND. THESE COLONIAL ADMINISTRATIONS PROCEEDED TO ESTABLISH GOVERNMENTAL ADMINISTRATION IN THOSE ISLANDS HAVING NATIVE POPULATION, AND OFFERED OPPORTUNITIES FOR COMMERCIAL EXPLOITATION.

4. THE BRITISH, AND AFTER THEM THE NEW ZEALANDERS, HAVE EXERCISED CONTINUOUS AUTHORITY IN THESE ISLANDS SINCE 1892. UP TO NOW, THE GNZ HAS REFUSED TO ACKNOWLEDGE THE EXISTENCE OF ANY AMERICAN CLAIMS TO THESE ISLANDS.

5. FYI. WE ARE POUCHING TO YOU FOR YOUR BACKGROUND ONLY A DETAILED LEGAL MEMORANDUM DONE SOME YEARS AGO ON THE US CLAIMS TO THESE SEVEN ISLANDS. THE OPINIONS EXPRESSED ARE NOT NECESSARILY AUTHORITATIVE, BUT THE FACTUAL INFORMATION REMAINS VALID, AND SHOULD BE HELPFUL TO YOUR UNDERSTANDING OF THE PROBLEMS INVOLVED.

6. THERE HAVE BEEN ATTEMPTS IN PAST YEARS TO MOVE TOWARD RESOLUTION OF THESE DISPUTED CLAIMS, BUT NONE HAVE BORNE FRUIT. AS INDICATED IN PARAGRAPH 4, NEW ZEALAND HAS NOT BEEN INCLINED TO EVEN DISCUSS THE MATTER, AND PERHAPS WE CAN TAKE THIS NEW INTEREST ON THEIR PART AS A SIGN THAT GNZ WILL BE AT LEAST WILLING TO TALK ABOUT THE CLAIMS. INCREASING AUTONOMY OF THE COOKS AND TOKELAUS MAY OFFER AN OPPORTUNITY TO SETTLE THESE CLAIMS. ALSO, OTHER ISLANDS IN PHOENIX AND LINE GROUPS, WITH WHICH WE DISPUTE SOVEREIGNTY WITH UK, WILL BE TRANSFERRED BY THE UK TO GILBERT AND ELLICE ISLANDS, WHICH IS MOVING TOWARD INDEPENDENCE. BECAUSE OF THESE DEVELOPMENTS, DEPARTMENT LIMITED OFFICIAL USE

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IS ON POINT OF ASKING FOR INTER-AGENCY CONSIDERATION OF PROBLEM. WE SHOULD BE ABLE AT SOME STAGE TO PROPOSE A RESOLUTION OF THESE CLAIMS, HOWEVER IT WILL PROBABLY BE SOME TIME BEFORE THE USG IS PREPARED TO OPEN NEGOTIATIONS WITH NEW ZEALAND. FOR THE PRESENT, THEREFORE, SUGGEST YOU ADVISE MFA THAT USG WOULD OF COURSE LIKE TO RESOLVE CLAIMS, AND THAT WE WOULD LIKE TO HEAR THEIR PROPOSALS. YOU SHOULD NOT, HOWEVER, INDICATE THAT WE HAVE INITIATED

STUDY OF OUR OWN UNTIL YOU ARE FURTHER ADVISED TO THAT
EFFECT. END FYI. KISSINGER

NOTE BY OC/T: POUCHES SUVA.

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